

He had heard nothing from them which indicated that life tenure had been a failure. The gentlemen said that this was an experiment because life tenure was coupled with election, and he denied that it was an experiment. He had never heard of life tenure and election going together, but he did not see that there was any absolute connection between appointment and tenure for life. He was in favor of election by the people, because he believed the people would be more likely to secure upright and independent judges. The Executive was just as likely, if not more so, to be subject to partisan influences as the people. There was just as much reason why the life tenure and election should be coupled together as the life tenure and appointment.

The gentleman from Harford (Mr. Farnandis) had not pointed to any instance where the life tenure had been a failure, except perhaps in the one instance adduced relative to the Supreme Court. The gentleman said that the merits of the term-system judge should not be tested in times of revolution, but it was in the testing time of revolution when the fitness of a judge should be tested. It was when the clash of arms prevailed that the safeguards of liberty should be thrown around the people by the judge. Had there been an independent judiciary in the time of the French revolution, how different would have been the history of those times. His people were in favor of the life tenure, he believed, and he should go home with a sad heart if this term of years, which would open the door to every possible evil in our jurisprudence, was inserted in this constitution.

Mr. Garey had held the opinion that the only proper way to secure an independent judiciary was to have the appointment system, but after coming to this Convention and bestowing great attention upon the subject, he had come to the conclusion that such a system would not be proper at this time, or acceptable to the people of Maryland. He had then thought that the life tenure would possibly be the means of securing an independence in the judiciary, but this also must be looked into. We had had here in less than twenty years three peaceful revolutions which changed our form of government. Suppose the life tenure policy had been adopted in 1851? In 1864, all